

### § 78.13

systems first served after February 1, 1966.

[37 FR 3292, Feb. 12, 1972, as amended at 37 FR 15926, Aug. 8, 1972; 43 FR 1953, Jan. 13, 1978; 43 FR 25127, June 9, 1978; 44 FR 32382, June 6, 1979; 47 FR 21503, May 18, 1982; 50 FR 23421, June 4, 1985; 52 FR 7144, Mar. 9, 1987; 55 FR 46015, Oct. 31, 1990; 58 FR 44952, Aug. 25, 1993]

#### § 78.13 Eligibility for license.

A license for CARS station will be issued only:

(a) To the owner or one who is responsible for the management and operation of a cable television system,

(b) To a cooperative enterprise wholly owned by cable television owners or operators, or

(c) A cable network-entity upon showing that the applicant is qualified under the Communications Act of 1934, that frequencies are available for the proposed operation, and that the public interest, convenience, and necessity will be served by a grant thereof.

(d) Licensees and conditional licensees of channels in the Multipoint Distribution Service and Multichannel Multipoint Distribution Service as defined in § 21.2 of this chapter, or entities that hold an executed lease agreement with an MDS or MMDS licensee or conditional licensee or with an Instructional Television Fixed Service licensee or permittee.

(e) Licensees, construction permittees, and applicants of channels in the Instructional Television Fixed Service (ITFS) as defined in § 74.901 if:

(1) The station is authorized or the application proposes authorization as a point-to-point operation; and

(2) Grant of a CARS license would allow displacement of any E or F channel of the ITFS point-to-point operation by a Multipoint Distribution Service (MDS) or Multichannel Multipoint Distribution Service (MMDS) applicant, conditional licensee, or licensee.

[52 FR 7144, Mar. 9, 1987, as amended at 55 FR 46015, Oct. 31, 1990; 56 FR 57601, Nov. 13, 1991]

#### § 78.15 Contents of applications.

(a) Applications for authorization in the Cable Television Relay Service shall be submitted on FCC Form 327, and shall contain the information re-

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quested therein. Applications requiring fees as set forth at part 1, subpart G of this chapter must be filed in accordance with § 0.401(b) of the rules.

(b) An application for a CARS studio to headend link or LDS station license shall contain a statement that the applicant has investigated the possibility of using cable rather than microwave and the reasons why it was decided to use microwave rather than cable.

NOTE: Each applicant filing pursuant to § 78.15 is responsible for the continuing accuracy and completeness of all information in such applications. The provisions of § 1.65 are wholly applicable to applications pursuant to § 78.15, as well as to amendments filed pursuant to § 78.17, and objections filed pursuant to § 78.22, except that where the specific provisions of §§ 78.15, 78.17, 78.22 conflict with the provisions of § 1.65, the specific provisions are controlling, e.g., where requirements for service on specified parties of certain information may vary.

(c) CARS applicants must follow the procedures prescribed in subpart 1 of part 1 of this chapter (§§ 1.1301 through 1.1319) regarding the filing of environmental assessments unless Commission action authorizing construction of a CARS station would be categorically excluded from the environmental processing requirements under § 1.1306 of this chapter.

[41 FR 3719, Jan. 23, 1976, as amended at 41 FR 32429, Aug. 3, 1976; 42 FR 61864, Dec. 7, 1977; 50 FR 23421, June 4, 1985; 52 FR 10231, Mar. 31, 1987; 55 FR 20398, May 16, 1990]

#### § 78.16 Who may sign applications.

(a) Applications, amendments thereto, and related statements of fact required by the Commission shall be personally signed by the applicant, if the applicant is an individual; by one of the partners, if the applicant is a partnership; by an officer, if the applicant is a corporation; or by a member who is an officer, if the applicant is an unincorporated association. Applications, amendments, and related statements of fact filed on behalf of government entities shall be signed by such duly elected or appointed officials as may be competent to do so under the laws of the applicable jurisdiction.

(b) Applications, amendments thereto, and related statements of fact required by the Commission may be